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10/802,172

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Agnes Jallouli

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EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

1792

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,172	<b>Applicant(s)</b> JALLOULI ET AL.	
	<b>Examiner</b> Alain L. Bashore	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 11, 28, 47, 61, 62-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-27, 29-46 and 48-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-2-04; 10-26-05</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1-10, 12-27, 29-46, 48-60 in replies filed on 2-11-08 and 7-2-08 are acknowledged. The traversals are on the grounds that::

species restriction between metals are not a burden and applicant specifies on the record that all metals as claimed in claims 14, 31, and 50 are obvious variants of one another;

species restriction between one and two - headed corona process claims are not a burden and applicant specifies that one and two heads per se are obvious variants of one another; and

group I and II are not restrictable for reasons as explained.

Rejoinder of all metals claimed is hereby made because of applicant's admission.

Restriction by species is still considered valid regarding other materials as described in the restriction of record and also not traversed (regarding claims 11, 28, 47).

Restriction between species of one and two headed corona systems are considered valid since there is claimed in claim 61 more than applicant's admission of obvious variant between one and two headed systems per se.

Restriction between groups I and II are considered valid for the following reasons: the presence of multiple inventions would not necessary, in and of itself, cause an undue burden on the examiner because of the excessive time required to perform searches of different inventions. However, the burden on the examiner extends to PATENTABILITY ISSUES associated with, and evolving from, searching multiple different inventions. Issues related to one statutory class are generally very different from those of other statutory classes. That is, issues arising from method claims would potentially be very different from those of article or apparatus claims, and may require complex evidence to resolve critical issues which would be dissimilar and unfamiliar to an examiner in an unrelated art area. Hence, the examination of multiple inventions, in this case directed to method and apparatus, represents a serious and undue burden on the examiner because of excessive and non-overlapping searches, and the evolution of complex and unfamiliar patentability issues relating to examining multiple and distinct inventions. Restriction is therefore proper under guidelines of MPEP 803.

The requirement is deemed proper as modified above and is therefore made FINAL.

2. Claims 11, 28, 47, 61, 62-64 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7-2-08 and 2-11-08.

### ***Specification***

3. The abstract of the disclosure is objected to because legal phraseology is used. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-6, 16-20, 39-42, 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazima et al in view of the admitted prior art and further in view of Bracher et al.

Nakazima discloses a process for applying a coating on at least one main face of at least one optical lens. The lens is dipped in a curable coating composition to deposit a layer, the layer maybe cured to obtain the optical lens.

Nakazima et al does not disclose:

subjecting the at least one main face to a corona discharge or atmospheric plasma treatment;

wherein during the whole process the optical lens is carried by the same lens holder so that said at least one main face is freely accessible and without necessitating manual handling of the lens.

The admitted prior art (page 2, lines 15-25) teaches corona discharge or atmospheric plasma treatment as common, such that one with ordinary skill in the art would have utilized such for the purposes as described by the admitted prior art.

Bracher et al discloses a lens holder (figures 1-4) where a lens with both main faces is freely accessible and without necessitating manual handling of the lens. The lens is maintained through its periphery by contact points. There are arms (1a-1d) mounted (elastically deformable) on a support, the arms having first and second end portions (4a-4d), and further tabs (see figure 4).

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It would have been obvious to one with ordinary skill in the art to include wherein during the whole process the optical lens is carried by the same lens holder so that said at least one main face is freely accessible and without necessitating manual handling of the lens, further including the recitations of claims 2-6, 16, 19-20, 39-42, 52, 55-56 because Bracher et al teaches lens coating difficulties requiring holding techniques (col 1, lines 10-23).

Regarding dimensions claimed in claims 17-18, 34-35, 53-54, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result.

6. Claims 12-14, 29-31, 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazima et al in view of the admitted prior art and further in view of Bracher et al as applied to claims above, and further in view of Detting et al.

Nakazima et al, the admitted prior art, and Bracher et al all do not disclose second end portions of each arm made of or covered with electrically conductive material, further a metal, further aluminium.

Detting et al discloses use of aluminum (col 4, lines 35-37).

It would have been obvious to one with ordinary skill in the art to include aluminum for the purposes of strength and durability.

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7. Claims 21- 23, 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazima et al in view of the admitted prior art and further in view of Bracher et al as applied to claims above, and further in view of Mostrocco.

Bracher et al discloses multiple arms, recess and inclined sidewalls.

Nakazima et al, the admitted prior art, and Bracher et al all do not disclose a pair of parallel rails, first and second arms movable by translation on the pair of rails, an intermediate portion.

Mostrocco discloses a pair of parallel rails (26,28), first and second arms movable by translation on the pair of rails (20, 36), an intermediate portion (32).

It would have been obvious to one with ordinary skill in the art to include a pair of parallel rails, first and second arms movable by translation on the pair of rails, an intermediate portion for the purpose of added adjustability and strength to the holder.

Regarding dimensions claimed in claims 34-35, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result.

8. Claims 7-8, 15, 24-25, 32, 43-44, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazima et al in view of the admitted prior art and further in view of Bracher et al as applied to claims above, and further in view of Moffatt.



Nakazima et al, the admitted prior art, and Bracher et al all do not disclose the second end portion of each arm comprising a material that is electrically insulating, having a specific dielectric constant as recited in claims 7-8, 24-25, 44.

Moffatt discloses an insulative layer on a holder that requires good dielectric properties (col 5, lines 50-66).

It would have been obvious to one with ordinary skill in the art to include a second end portion of each arm comprising a material that is electrically insulating, having a specific dielectric constant because Moffatt teaches substrate characteristics requiring flexibility for holding means.

Regarding specific dielectric constants claimed, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result.

9. Claims 9-10, 26-27, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazima et al in view of the admitted prior art and further in view of Bracher et al as applied to claims above, and further in view of Jung.

Nakazima et al, the admitted prior art, and Bracher et al all do not disclose the material of the second end portions having specific heat characteristics as claimed.

Jung discloses specific heat characteristics as important for substrate coating (col 3, lines 34-63).

It would have been obvious to one with ordinary skill in the art to include disclose the material of the second end portions having specific heat characteristics as claimed because Jung teaches specific heat as one factor for coating effect.

Regarding specific heat lower limit claimed, such would have been obvious to one with ordinary skill in the art as routine optimization dependant on coating to be applied, type of lens utilized, in absence of a criticality of result.

10. Claims 57, 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazima et al in view of the admitted prior art and further in view of Bracher et al as applied to claims above, and further in view of Suzuki et al.

Nakazima et al, the admitted prior art, and Bracher et al all do not disclose a two corona head system as claimed in claims 57, 59-60.

Suzuki et al teaches a two headed corona system (figure 8).

It would have been obvious to one with ordinary skill in the art to include the recitations of claims 57, 59-60 because the admitted priour art teaches coraona treatment as conventional and Suzuki et al teaches lens treatment with two heads so to prevent damage from using only one (col 13, lines 21-32).

11. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazima et al in view of the admitted prior art and further in view of Bracher et al

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further in view of Suzuki et al as applied to claims above, and further in view of Yuasa et al.

Nakazima et al, the admitted prior art, Bracher et al and Suzuki et al all do not disclose the two corona heads as not in register to avoid electrical arc simultaneously treated.

Yusa et al discloses avoiding electrical arc by electrode placements (col 3, lines 30-36).

It would have been obvious to one with ordinary skill in the art to include the two corona heads as not in register to avoid electrical arc simultaneously treated because Yuasa et al teaches avoiding electrical arc.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:00 am to 4:30 pm (Mon. thru Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/  
Primary Examiner, Art Unit 1792